

## Chapter 17

### Client Record Closures & Transfers

#### 17.1 Authority: 34 CFR 361.43, 34 CFR 361.44, & 34 CFR 361.56

#### 17.2 Policy

USOR policy is that VR Counselors will engage clients in an interactive communication process that clearly involves the individual, to the maximum extent possible, in the decision to close a client's record with the agency in any closure status. This requires the VR Counselor to ensure that the client understands the reasons that the VR Counselor feels that client record closure is appropriate and that the individual understands their due process appeal rights. In some cases a client may be unavailable, unable to locate, or otherwise unable to participate in the decision to close the individual's client record. It is USOR policy that a "good faith effort" has been made and documented in the electronic client record showing that the VR Counselor has attempted to involve the client in the closure decision. It is USOR policy in the event of a client's death that the VR Counselor may close the client record immediately upon documenting verification either through third party report, obituary, etc. of the client's death.

#### 17.3 Status 08 Closures

Status 08 closures are the designated label for those client records closed from the applicant (02) status either because the applicant was found to be ineligible for VR services, or due to other circumstances listed below.

- A. Client records closed 08 for the following reasons **DO NOT** constitute a determination of ineligibility and do not require certification or review.

**911 Code Reason for Closure:**

- 01 Unable to locate, moved.
- 03 Refused services. (For allowed SSI/SSDI referrals, see Appendix 15F)
- 04 Death.
- 05 Client Institutionalized and unavailable to participate.
- 06 Transfer to another agency.
- 07 Failure to cooperate. (For allowed SSI/SSDI referrals, see Appendix 15F)

- B. Client records closed 08 for the following reasons **DO** constitute a determination of ineligibility and require certification. Closure from code 02 also requires review.

**911 Code Reason for Closure**

- 02 Disability too severe or unfavorable medical prognosis.

**NOTE:** Use of this code must include clear and convincing evidence obtained through trial work exploration that the individual cannot benefit from VR services in terms of an employment outcome due to severity of disability.

- 08 No mental or physical impairment.
- 09 No impediment to employment.
- 10 Transportation not feasible or available.
- 11 Does not require VR services.

1. Certification of Ineligibility.

Whenever a determination has been made that an applicant is not eligible for reasons listed in 17.2B there must be a "certificate of ineligibility" (ineligibility letter) in the electronic client record with the original having been dated and signed by the VR Counselor and mailed to the applicant. The ineligibility determination is made only after full consultation with the individual or, as appropriate the individual's representative, or after giving a clear opportunity for this consultation.

**Steps:**

- a. Individual is notified of determination in writing.
- b. Individual is informed of due process rights and appeal procedures.
- c. Individual is provided information regarding the availability of Client Assistance Program (CAP).
- d. Appropriate referral is made to other agencies and facilities including USOR Independent Living Program.
- e. Client record closure may result in objections and challenges from the applicant. In order to accommodate requests from the applicant for review of the ineligibility determination, a 30 day period will elapse from the date the certificate of ineligibility is mailed to the client to the date the closure is actually finalized in IRIS.

2. Client records closed status 08 must include the following:

- a. Statement that the client is ineligible.
- b. A summary of the medical or other client data obtained during the assessment to determine eligibility for extended evaluation which served as the basis for the determination.
- c. An analysis specifying the reasons for the determination of ineligibility.
- d. Summary of the counseling activities including referral to other appropriate sources best able to offer assistance such as the Independent Living Program.
- e. The client record must also include evidence that the client was made aware of assistance available through the Client Assistance Program.

C. Other reasons for 08 closure.

**911 Code**

**Reason for Closure**

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All other reasons. May or may not constitute a determination of ineligibility. Seek supervisory consultation.

D. Review Requirement for certain 08 Closures.

1. The review process will be initiated during the 11th month after closure with completion scheduled within 60 days to allow time for cases to be flagged, VR Counselor notified, appointment and interview arranged, etc.
2. The following are criteria for those cases requiring ineligibility reviews:  
Status 08 from 02 - annual review is required when the client's record was closed as not capable of benefiting in terms of achieving an employment outcome for reasons other than severity of disability.
3. **No** review is required for the following reasons:
  - a. Client refused services.
  - b. Client moved or no longer able to locate.
  - c. Death.
  - d. Failure to cooperate.
  - e. No impediment to employment.
  - f. No disabling condition.
4. Status 08 from Trial Work Exploration - Annual review is required if the client record was closed because of the severity of the disability, clear and convincing evidence demonstrates the individual is not capable of benefiting in terms of an employment outcome.
5. The agency is responsible for initiating and conducting the first annual review and also advising the individual that any subsequent reviews will be made only at their request. For each case reviewed the counselor will complete and sign form R-5b which includes information regarding the Client Assistance Program.

#### 17.4 Status 26 Closures

Status 26 closures are the designated label for those client records closed after having successfully achieved an employment goal consistent with their IPE and having maintained that employment for at least 90 days.

- A. The client record of an individual determined to be successfully rehabilitated must have documentation that the individual was:
  1. Determined to be Eligible.
  2. Provided a Comprehensive Assessment of Rehabilitation Needs.
  3. Provided VR Counseling and guidance as essential (VR) services.
  4. Provided appropriate and substantial VR services in accordance with the Individualized Plan for Employment (IPE); and,
  5. Determined to have achieved and maintained an employment outcome consistent with the individual's strengths, resources, priorities, concerns, abilities, capabilities, interests and informed choice for at least 90 days.
  6. Provided written notification of the VR Counselor's intent to close the client's record at least 90 days prior to closure, and again at 30 days prior to closure. Each of these notifications must include information regarding due process rights and procedures and the availability of the Client Assistance Program.
- B. Additional Documentation for Supported Employment 26 Closures See Chapter 22.

## C. Post-Employment Services.

The IPE must address and document the possible need for post-employment services and if they are needed, the procedures and requirement to obtain those services.

**17.5 Status 28 Closures**

Status 28 closures are the designated label for those client records closed after the completion of an IPE but without the client having achieved a successful employment outcome. Client records closed not rehabilitated after the Individualized Plan for Employment (IPE) has been initiated must document that:

## A. The client record must document that:

1. The client was determined to be eligible for VR services.
2. An IPE was developed.
3. The reason for closing the case including the employment status of the individual at the time of closure.
4. That the individual was involved in the closure decision, or that a good faith effort had been made to engage the individual in the decision.
5. That the client was notified in writing at least 30 days prior to the date of actual closure, and that that notification included due process rights and procedures and the availability of the Client Assistance Program.

**Exception:** In the event of client death, a 30 day closure letter is not necessary or appropriate. The VR Counselor may simply document the client's passing in the client record by way of an obituary, documented third party conversation, etc. The client record can then be closed.

**Reason for Closure:**

- a. Unable to locate or contact; or moved.
- b. Client can no longer benefit from VR services in terms of an employment outcome.
- c. Refused services or further services.
- d. Death.
- e. Client institutionalized and not available for participation.
- f. Transferred to another agency.
- g. Failure to cooperate.
6. If the reason the client record is being closed is a result of a **determination** that the client is no longer capable of achieving a vocational goal or can no longer benefit from VR Services, the file must include:
  - a. Documentation that the decision was made with full participation of the client or as appropriate, the client's representative unless:
    - (i) Client refuses to participate.
    - (ii) Unable to locate, moved.
    - (iii) Medical condition is rapidly progressive or terminal.
  - b. Rationale for decision is documented.
  - c. Certificate of Ineligibility executed.
  - d. Documentation of Periodic Review.
    - (i) At least annually.

- (ii) First review initiated by the Agency. Any subsequent reviews are undertaken at the request of the individual.
- e. Exceptions to periodic review requirement:
  - (i) Client refuses to participate.
  - (ii) Unable to locate, moved.
  - (iii) Medical condition is rapidly progressive or terminal.

### 17.6 Status 30 Closures

Status 30 closures are the designated label for those client records closed after eligibility but before the completion of an IPE. (from status 10)

- A. The client record must document that:
  - 1. The client was determined to be eligible for VR services.
  - 2. An IPE was not developed.

**Reasons for Closure:**

  - a. Unable to locate or contact; or moved.
  - b. Client cannot benefit from VR services in terms of an employment outcome.
  - c. Refused services or further services.
  - d. Death.
  - e. Client institutionalized and not available for participation.
  - f. Transferred to another agency.
  - g. Failure to cooperate.
- B. Documentation Requirement.
  - 1. Reason for closing the case, including the employment status of the individual at the time of closure.
  - 2. If the reason the case was closed was due to a **determination** that the client is no longer capable of achieving an employment outcome or could no longer benefit from VR Services in terms of achieving an employment outcome, the file must include:
    - a. Documentation that decision was made with full participation of client or as appropriate, client's representative unless:
      - (i) Client refuses to participate.
      - (ii) Unable to locate, moved.
      - (iii) Medical condition is rapidly progressive or terminal.
    - b. Rationale for decision is recorded on an R-11 entry.
    - c. Certificate of ineligibility executed.
    - d. Documentation of Periodic Review.
      - (i) At least annually.
      - (ii) First review initiated by Agency. Any subsequent reviews are undertaken at request of the individual.
    - e. Exceptions to Periodic Review requirement:
      - (i) Client refuses to participate.
      - (ii) Unable to locate, moved.
      - (iii) Medical condition is rapidly progressive or terminal.

### 17.7 Status 38 Closures

Client record closures from order of selection status 04. (see chapter 24.10 & 24.11)

### 17.8 Closures from Post-Employment Services

See Chapter 18.19 C.

### 17.9 Client Transfers

VR research consistently shows that the most important factor influencing the success of VR clients is the professional relationship developed with the qualified VR Counselor. While being sensitive to the therapeutic and behavioral needs of the client, occasionally it becomes clear that a change in VR Counselor may be necessary for the client to become successful. Client transfer requests may be a result of any number of reasons. Examples include but are not limited to:

1. Client moves out of the area/city/county.
2. One office is more convenient than another for the client.
3. Client request.
4. Irreconcilable differences between VR Counselor and client.
5. Results of mediation, administrative decision or fair hearing.
6. Result of formal grievance, complaint or investigation.

Note: Regardless of the reasons for the transfer request, USOR is committed to client success and will work to facilitate a transfer when such a request is in the best interest of the client.

#### A. Transfers within a District

1. The District Director/Counseling Supervisor will review the request for a transfer, review the client's record, and discuss the reasons for the request with both the VR Counselor and client to determine the most appropriate action that is in the best interest of the client.
2. The District Director/Counseling Supervisor will reassign the client to another VR Counselor in the district based on his/her professional judgment of what would be in the best interest of the client.

**NOTE:** If a client's transfer request is denied the District Director/ Counseling Supervisor must notify the client of the reasons for the decision in writing and include their due process appeal rights and the availability of the Client Assistance Program.

3. The District Director/Counseling Supervisor documents the transfer and initiates the transfer in the IRIS system.

#### B. Transfers between Districts

1. Counselor makes determination to transfer the client record after:
  - a. Counselor has a thorough discussion with the client regarding reason for transfer. (Including obtaining information about where the client plans to reside long term)

- b. The client is given information about the opportunity to have the record remain with the current counselor and continue to be served through phone, email, fax, etc.
- c. Client record is updated in IRIS with the correct address, telephone number(s), and e-mail address if available.

2. Sending Counselor or Rehabilitation Technician identifies and contacts receiving office to find out which counselor will receive the client record.

3. Sending Counselor contacts and has a conversation (email, phone, I.M.) with receiving Counselor about the possible client record transfer. (Client records transferred between districts need the approval of both the Sending and Receiving Counselors.)

4. Sending Counselor completes a TRANSFER SUMMARY NARRATIVE (Found under Client Service Recommendation in IRIS) and submits the client record to Supervisor/District Director for review and consideration for transfer.

5. District Director review's the client record and adds append to the TRANSFER SUMMARY NARRATIVE including approving the transfer and any other information needed. (Client record errors, missed signatures or missing documents should be corrected **prior to** transfer. The Receiving Counselor should document and fix remaining errors if any, and will be responsible for compliance in the record from that time forth.)

6. District Director transfers the electronic/primary client record in IRIS directly to Receiving Counselor's client base. The secondary client record is sent through the mail directly to the Receiving Counselor. District Director Emails the Receiving Counselor and CC's the Sending Counselor, and District Director of the transfer.

**\*\*When either counselor does not agree to the transfer the decision is to be resolved by the District Director. If the District Directors cannot agree, the transfer is to be resolved by the Field Service Director(s) or, finally, by the Client Service Coordinator. Client record documentation and past compliance with policy and procedure should not be a determining factor in denying or delaying a requested client transfer. The receiving VR Counselor simply documents any deficiencies, transparently corrects what can be corrected, and makes notation of what cannot be corrected.**

C. Transfers between Divisions (DRS/DSBVI)

- 1. When a client requests their case be transferred from one VR Division to another within USOR (DRS/DSBVI), the VR Counselor will prepare the client record for review and provide the secondary paper client record to the District Director or DSBVI VR Coordinator.
- 2. The District Director or DSBVI VR Coordinator will review the request, and if necessary discuss the request with the VR Counselor and the client to clarify the reasons for the request and resolve any issues.

3. The sending District Director/DSBVI VR Coordinator will contact the District Director or DSBVI VR Coordinator who is responsible for the office that the client is requesting transfer to. This contact should be completed in a timely manner as to avoid delaying services.
4. The receiving District Director/ DSBVI VR Coordinator will review the electronic client record and discuss the reasons for the transfer with the sending District Director and accept the transfer making the assignment to the new VR Counselor.  
**NOTE:** If the transfer is denied the client must be notified of the reasons for the denial in writing including their due process rights and the availability of the Client Assistance Program.
5. The transfer is documented and completed in IRIS.